grr 04-76

The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, Massachusetts 02202

MICHAEL S. DUKAKIS
GOVERNOR

JAMES S. HOYTE
SECRETARY

BOSTON PUBLIC LIBRARY

GOVDOC
BRA
4631

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS

ON THE

DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT NAME	: Fan Pier/Pier 4 Developments
PROJECT LOCATION	: South Boston
EOEA NUMBER	: 4426/4584
PROJECT PROPONENT	: HBC Associates/The Boston Mariner Co
DATE NOTICED IN MONITOR	: December 24, 1985

The Secretary of Environmental Affairs herein issues a statement that the Draft Environmental Impact Report submitted the above project adequately and properly complies with the Massachusetts Environmental Policy Act (G.L., c.30, s.62-62H) a with its implementing regulations (301 CMR 10.00).

OVERVIEW

Boston Harbor is the premier natural resource of urban eastern Massachusetts. Historically, it fostered the foundati of the City, sponsored its growth as a maritime shipping cente supported it as an industrial and fishing center, witnessed th decline of these traditional uses, and, more recently, hosted dramatic rebirth of mixed waterfront uses. It is a goal of bot the City of Boston and the Commonwealth to encourage this renaissance, to support it through appropriate public investments, and, most important, to assure that new development on the waterfront serves the public and respects those public rights of access and use so important to the futu of Boston Harbor.

Digitized by the Internet Archive
in 2011 with funding from
Boston Public Library

http://www.archive.org/details/certificateofsec85mass

Although the goal of encouraging the Boston Harbor renaissance is an accepted one, the goal of MEPA and the Secretary is to assure that development takes place within an appropriate context. Traditionally, MEPA examines context in terms of environmental impacts and mitigation; section 61 of MEP requires agencies granting permits and licenses to do so only if convinced that the impacts are in fact mitigated. But since the revision of chapter 91 of the General Laws, MEPA's role has been expanded as the tidelands permit issued by DEQE requires examination of public purpose, public benefit versus detriment, and consistency with the Massachusetts Coastal Zone Management plan. Therefore, it is appropriate for MEPA review of projects requiring chapter 91 licenses to include discussion of fit with the community; of the uses to which a project will be put; of th impact of a project on future uses of the harbor; of the extent of public amenities which will compensate the Commonwealth for relinquishing public rights in tidelands, including visual access, parks, and public access; and of the impacts of the project on future developments.

Before me now is one of the most important new waterfront projects in the recent history of the City. Fan Pier and Pier 4 were a part of the original industrial, water transport, and rai transport use mix that dominated the north shore of South Bosto for over a hundred years. To the west, across Fort Point Channel, is the Financial District, with dense commercial development, excellent transit access, high rise construction, and high levels of pedestrian activity. To the south is the Fo Point Channel District, now being converted to offices, residential uses, museums, an artists' colony, and open space. To the east is Commonwealth Pier, the Fish Pier, and the Boston Marine Industrial Park, with low structures, industrial uses, a heavy reliance on truck access for the movement of goods. Furth to the south and east is residential South Boston, a vibrant mi of residential, local commercial, and open space uses. It is a this nexus and in this changing environment that the Fan Pier/Pier 4 development proposes to locate.

The Fan Pier/Pier 4 project represents a major expansion o Financial District uses across the Fort Point Channel into Sout Boston. It will serve as nucleus and stimulant for other major developments, such as the World Trade Center and the Cabot, Cab & Forbes site, and will determine the character and use of this part of the City into the twenty first century. The task befor

the developers, begun in the Draft EIR, is to propose a concept for this use and to explore the significance of this change for the urban environment. The task of the many reviewing bodies, begun during the preparation of the Draft EIR and continuing, is to assure that the final project meets, as far as possible, the many goals and satisfies, as well as possible, the many needs inherent in this special location. The following paragraphs detail the review of the Draft EIR, the concerns that have been raised by that review, and a process for the resolution of those concerns.

THE DRAFT ENVIRONMENTAL IMPACT REPORT

The Draft EIR prepared for this project goes well beyond both the breadth of coverage and the depth of detail that is customary in EIRs. By presenting a complete coverage of all planned and potential development in this part of the South End, it provides a truly useful planning document to guide those decisions that must be made by the proponents and public decisio makers in the coming months. By developing a lesser scale alternative that responds to some of the goals expressed in earl review, it evidences the proponents' commitment to a project tha both meets their legitimate business aims and respects the public's legitimate rights in the waterfront. By proposing several creative and thoughtful mitigation measures, it sets the stage for a successful private/public partnership to provide those transportation and infrastructure improvements necessary t support this and other proposed developments in South Boston while limiting the negative effects on the South Boston residential community and the remainder of Boston. The proponents and their consultants are to be commended for the Draft EIR and for their support of informed public review in the best spirit of the Massachusetts Environmental Policy Act.

The high quality of the Draft EIR and the high quality of public and agency review of the project are clearly demonstrated in the volume, quality, and usefulness of the comments received on the Draft EIR. All reviewers, and most particularly the Fan Pier/Pier 4 Citizens Advisory Committee and the Executive Office of Transportation and Construction, have invested time, effort, and thought in their review of the document and in their comment to me. The comments, in fact, are of such detail that any technical comments by my office would be redundant. Suffice it to say that the proponents face a challenge in responding to the

comments attached, each of which must be dealt with fully in the Final EIR. The remainder of my comments serve to highlight the concerns expressed in the comments and my review of the Draft EI and to suggest a process for resolving these concerns and reporting on them in the Final EIR.

THE CONCERNS

Not surprisingly, the Draft EIR reveals that the proposed projects will seriously overtax the existing transportation and infrastructure systems serving South Boston. The proposed projects, when combined with all other proposed development in the area, will also stress the systems which may be in place by 1995. The Draft EIR also demonstrates that, while much improved as compared to the original proposal, the lesser scale alternative is of nearly the same size (density) and still raise many of the same urban design questions of visual impact, wind, shadow, and pedestrian access as did the original proposal. These same concerns are expressed in a different manner under th Tidelands review of chapter 91 as public purpose, public benefit and water related uses. What is needed is further examination o the project, the development of an alternative at a reduced scal in terms of size and use mix, a comparison of the demands the alternatives place over time on South Boston support systems, to the capacity of those systems, and a creative private/public solution to the problem of assuring that mitigation measures are in place when needed. Also needed is further discussion of ways the project alternatives might enhance delivery of public amenities, and further examination of project impacts on harbor uses and future development in South Boston.

Transportation

The most acutely felt and extensively discussed impact of the Fan Pier/Pier 4 developments is its effect on the many modes of transportation needed to serve the project. The proposed project will, by itself, cause roadway capacity failures at numerous intersections leading to and in South Boston. Taken with other proposed projects, even the full planned system including the Third Harbor Tunnel and Depressed Central Artery will not suffice to eliminate all traffic impacts. Public transportation to South Boston is practically nonexistent; even the first phase of Fan Pier/Pier 4 will require paratransit link to South Station if it is to achieve its goal of 70% public transit ridership during peak hours. Parking limitations alone,

while profoundly affecting transit use, will not overcome the driving habit of potential project occupants. Truck traffic, while not a major impact of this project, may be compromised by congestion of the street system. This congestion may also lead to diversions of commuter traffic deeper into South Boston, increasing impacts in residential areas.

The Draft EIR proposes a substantial set of mitigation measures to cope with vehicular traffic bound for the facility both without and with the Third Harbor Tunnel/Seaport Access Road. The Final EIR must provide considerably more assurance of the feasibility, funding, responsibility, and timing of these measures. Where public funding is assumed, as is the case for much of the proposed work, the funding agency should be identified and contacted to confirm the plans for the mitigation and its timing. Where private funding is proposed, the source should be identified and an unequivocal commitment to timely implementation should be made.

Investigation is also needed of potential traffic mitigation measures not considered in the Draft EIR. These include the South Boston Bypass or transit use along the rail cut, consideration of the Metropolitan District Commission's goal of eliminating commuter traffic from Day Boulevard, the early construction of a true Seaport Access Road linking the Mass Turnpike to Northern Avenue, enforcement to assure the availability of constructed capacity, and system operation changes to limit or eliminate commuter and truck use of A Street, D Street, L Street, and other residential streets in South Boston. The South Boston Traffic Study proposed in the Boston Traffic and Parking Department comment, to be partially funded by the proponent and supported by the Executive Office of Transportation and Construction, is a sound first step in assessing these additional mitigation needs and in identifying a full package of vehicular access mitigation for the Final EIR. The elements of this package should be documented completely in terms of funding and timing, as is the case with the other measures proposed.

Traffic impacts may also be mitigated by a reduced scale alternative, which should be seriously considered. As pointed out in the comments by the CAC, the EOTC, and others, both size reductions and use mix changes should be investigated with the aim of determining the maximum size of development that can be supported by probable traffic movement capacity. For both the

lesser scale alternative and for a reduced scale alternative, project phasing should be determined by the anticipated timing of mitigation measures. A clear schedule relating the demands of this and other projects to anticipated roadway capacity should be provided. Such size, mix and phasing alternatives might also play a positive role in responding to many of the other concerns detailed below.

Transit systems must also be more extensively considered. The MBTA points out that the project will have measurable effects on the Green Line westbound, as well as the Red, Blue, and Orange Lines. It also appears that some of the transit capacity calculations may be overly optimistic. The additional available capacity assumed by the proponent should be confirmed with the MBTA. Analyses should also be prepared of impacts on the more remote segments of the system that will be substantially affected, such as the Green Line westbound. Where actions by the proponent or the MBTA are proposed to improve capacity, the MBTA should be contacted to confirm the priority assigned to those improvements, the probable availability of private or public funds, and the anticipated date of construction.

Additional consideration must also be given to private or private/public transit or paratransit links between South Station and the project site. While 4,000 feet is a reasonable walk on a fine spring day, it will divert few automobile drivers in February. The provision of rapid, comfortable, reliable transfer from South Station will be critical to the success of the project and to limiting vehicular traffic. The importance of this element, especially in the short term, cannot be too highly stressed. In this regard, the innovative proposal for a people mover brought forward recently by the proponents of the World Trade Center should be specifically considered. In the long term, public investment might be brought to bear in relocating the Red Line to serve the area, providing a direct Blue Line Link to the airport, or other capital intensive plans to develop public transportation in South Boston. Whether any such long term proposals are reasonable expectations in time to be of any service to this project is in great doubt. The MBTA should be approached concerning these plans, their priority, funding, and timing, and the results reported in the FEIR.

Finally, as pointed out most eloquently by the Office of Coastal Zone Management and the EOTC, further serious consideration of and private commitment to water based

transportation must be provided in the FEIR. This consideration should extend to all uses of water transportation as they relate to this project, with particular emphasis on: communter boat access for persons who will work at the development site; access to and from Logan Airport; and movement among key public destinations within the inner harbor. The Final EIR should include the feasibility study referenced in the Draft EIR as wel as any additional analyses that may be appropriate.

It is not my intent in this or any of the following areas o concern that this project bear all of the responsibility for proposing, assessing, funding, or carrying out mitigation efforts. Rather, it is my intent that the proponents here, othe private developers in South Boston, major landowners, the City o Boston, and the Commonwealth all engage in a dialogue to reach the goal of a sound support system to serve this and other existing and planned development in South Boston. The results o this dialogue must be reported in the Final EIR. I will suggest, in the final section of this discussion, a mechanism that may serve this end without unduly burdening this or any other single project.

Infrastructure

While perhaps not as dramatic or as noticeable as the effects on transportation, there are also substantial concerns with the ability of water, sewer, storm water, gas, and electrical systems to serve the total level of development in th project area. In my role as Chairman of the Board of Directors of the Massachusetts Water Resources Authority, I am particularl sensitive to the water and sewer implications of a development that will be the equivalent of adding a small town to the system. The Boston Globe, on January 24, 1986, carried an article reporting electrical supply problems in the South End, an area undergoing less intense development than that proposed for South Boston. Natural gas, while abundant at the moment, has historically been subject to both production and distribution shortages, nationally and locally. For the level of total development proposed for the north shore of South Boston, each o these systems must be carefully evaluated and measures to assure increased capacity must be developed.

The proponents have, through the Draft EIR, provided the demand data and impact assessments to identify the potential shortfalls in each of these areas. What remains is to determine

the impacts of future development, the needed remedies and, as is the case in transportation, to apportion the responsibility for these remedies equitably among private proponents for this and other South Boston projects and between the private sector as a whole and the public sector.

The comments of the Boston Water and Sewer Commission provide the basis for a sound approach to the water and sewerage aspects of this effort. In essence, they ask that some private funding be provided to upgrade parts of the sewer system in a timely fashion. I endorse this approach, which might be funded through an infrastructure pool or by direct private construction of portions of the needed improvements. The Final EIR should explore these measures, document those to be carried out Boston Water and Sewer, commit to those to be carried out by the Fan Pier/Pier 4 proponents, and identify those likely to be the responsibility of other major developments in the area.

In addition, the Final EIR should explore both water conservation and sewage flow reduction. The water supply of the MWRA is a fixed resource for the foreseeable future. It is only by conservation that the system will be able to meet the demands to be placed on it over the next two decades. The Final EIR should determine water conservation measures achievable, on site or elsewhere, describe measures to set off the new demands of the project, and make commitments accordingly. In terms of sewage capacity, the existing and proposed MWRA sewage treatment plants are also a fixed resource. The proponent should explore, with Boston Water and Sewer, measures that both might take to reduce infiltration and inflow to reduce the total burden of peak flow to the treatment plants. This examination may also include contact with the MWRA to identify non-Boston I/I reduction possibilities, but I expect that sufficient I/I can be found and removed in Boston to meet the 2 for 1 policy that is now expected of suburban communities. This should be the goal of this effort, which should be reported on the Final EIR.

Storm water management, as pointed out by the Metropolitan Area Planning Council, also requires some additional attention in the Final EIR. Conceptual storm water management plans should be presented in the Final EIR, along with a discussion of and commitment to measures to limit the potential effects of storm water discharge on Boston Harbor.

One neighbor to the site, Cabot, Cabot & Forbes, has

suggested in their comments the idea of incorporating an underground utility tunnel in New Northern Avenue. This concept should be investigated with the major utility suppliers, including Boston Gas and Boston Edison, to determine its feasibility. Such a concept might allow for the provision of new service to the site and other sites which will apparently be needed to meet the demands of the proposed project and other projects. It is also an ideal candidate for private funding by this and other developers in the area.

Tidelands/Chapter 91

The Draft EIR provides a discussion of the methods proposed by the proponent to meet the standards of chapter 91. As pointed out by the Division of Wetlands and Waterways, the major concerns under chapter 91 are public purpose, public benefit versus detriment, and consistency with the policies of the coastal zone management program. Several related issues were brought forward as urban design concerns by many of the commenters on the Draft EIR. These included visual effects, wind and shadow effects, and provisions for public pedestrian access.

The notion of public purpose is taken in the Draft EIR to mean public access to and use of the waterfront. The Executive Office of Communities and Development raises the important question of occupancy by a spectrum of the public as a criterion. The Final EIR should speak to this point clearly and consider a broader range of income levels for residents, as it has agreed to do for local small businesses.

Public benefit, as interpreted under chapter 91, includes the provision of ample water related facilities, public use of those facilities, and public access to those facilities. In this regard, the Office of Coastal Zone Management has suggested a more intensive use of the bulkhead for docking, more explicit connection to the Harbor Walk, increased emphasis on water transportation, and the provision of more transient slips for water access to the site. The Fan Pier/Pier 4 Citizens Advisory Committee has raised the question of more general public benefits, such as local job commitments, use of linkage funds to support affordable housing, and other off site benefits of the project. The Final EIR should explore the suggestions made by the reviewers for increased public benefit, direct and indirect, and for increases in water dependent uses. In this analysis, explicit consideration should be given to the role of the canal

and underground parking in providing public amenities and the positive and negative effects of these elements on the master plan.

The Final EIR should examine each of the policies of the Coastal Zone Management Program, as articulated in the CZM regulations, and demonstrate how and to what degree each is satisfied by the project and its alternative. The Harbor Park Advisory Committee should also be consulted in this regard.

In terms of visual effects, concerns were expressed with the canyonization of New Northern Avenue, relationship to development proposals for nearby parcels, visual conditions along the proposed canal, visual connection between the inland side of the project and the public open spaces at the waters edge, the propriety of a major tower structure close to the water's edge, and numerous site layout and design questions. The Final EIR should consider the design of the project in light of these comments and propose one or more alternatives in response to them. One of these alternatives should represent a reduction in total project square footage in order to provide greater flexibility in site layout and to reduce the total mass of the project.

Wind and shadow effects were also extensively discussed in comments. The thrust of these concerns was with the wind and shadow effects on the major public open spaces located to the north of the major building masses and the canal and plaza spaces internal to the project. The wind environment on New Northern Avenue will also be of great importance. Wind and shadow effects should be considered in responding to the requirement for a further consideration of alternatives. It should be noted that I did not require wind tunnel testing in the original scope for this stage of the project. That is still the case, since the wind erosion testing provides sufficient information for master plan decisions. More detailed wind analyses will be appropriate at the design stage and will be reviewed by the BRA and this office after the completion of the Final EIR and the selection of an alternative for design.

Finally, many urban design comments dealt with public access, both physical and visual. With the major public spaces located north of the main building masses, accessed from the east and west, and apparently isolated by grade changes, there is some question as to the level of "invitation" provided to members of

the general public to enter and use these spaces. This concept, important here and in the considerations of public benefit under chapter 91, should be explored in the Final EIR and every effort should be made to provide visual and pedestrian pathways from downtown Boston and from new Northern Avenue that lead the public to open spaces and encourage their use by non-residents, as well as project residents and visitors. Specific consideration should be given to the effects of access on the use and value of public open space and water dependent uses.

THE FINAL EIR: A PROCESS FOR RESOLUTION

The Fan Pier/Pier 4 project represents a unique opportunity both for the developers and for the public. While many concerns have been raised by the project as presented in the Draft EIR, virtually all reviewers have expressed a conviction that a successful final project can result from the process now under way. It is important that the spirit of cooperation fostered by the project proponent not be allowed to fade in the coming months. To that end, I propose three stages of review over the coming months.

First, I suggest that the Fan Pier/Pier 4 Citizens Advisory Committee remain a focus for ongoing public review of the developing master plan and refinements considered for the Final EIR. To this end, I ask that the MEPA unit be apprised of meetings of the CAC and receive minutes of those meetings. The proponent has agreed to continue meeting with the CAC over the coming months and to fund secretarial and mailing costs for the CAC. My office will attend CAC meetings at critical project junctures and actively seek the input of the CAC in the review of preliminary data and of the Final EIR. In this fashion, the excellent work carried out by the CAC to date can continue to guide and inform the proponents' consideration and the agency review of the project

Second, I propose that a Review Committee of appropriate public and private actors be established to review mitigation plans as they are developed. This group should include representatives of all public agencies with a role in carrying out mitigation actions, private utilities that will ultimate serve the project, and the proponents for other projects in the area. The EOTC has offered considerable assistance in transportation matters. I invite the active participation of the BRA in this process. My office stands ready to assist in

convening this group and moderating its discussions. In order for these discussions to be most meaningful, I ask that the Fan Pier/Pier 4 proponents, early in their considerations for the Final EIR, develop a tentative listing of proposed mitigation measures and a preliminary assignment of responsibility for those measures to public agencies, private entities, and public/private partnerships. These may then be discussed with all concerned parties prior to the expenditure of major efforts for analyses. In this fashion, only the feasible measures need be subject to rigorous analysis. In addition, the agency/proponent review forum will provide a clearinghouse for funding and timing information that will be essential to the Final EIR.

The logical third stage is the Final EIR. It will serve to document the progress made by the proponent, the responses to the concerns raised above and in the comments, the results of the ongoing public review by the CAC, and the multidimensional mitigation planning and commitments achieved in the agency/proponent forum. It will be the result of a process extending over the next several months and will provide an opportunity for broad public review of the results of these efforts and, it is hoped, will lead to closure on the outstanding issues.

January 30, 1986
DATE

JAMES S. HOYTE, SECRETARY

JSH/SD/bk